

REMARKS

Claims 1-4 and 11-12 are currently pending in the application, of which claims 1, 3 and 11 are independent claims.

Entry of the Remarks is respectfully requested to place the present application in condition for allowance, or in the alternative, better form for appeal. No new matters are believed to be added by these Remarks. In view of the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 102

Claims 1-4 and 11-12 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U. S. Publication No. 2004/0066147 filed by Park, *et al.* ("Park"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants assert that Park is an improper reference upon which a rejection under § 103(e) may be based. Park was filed in the United States on September 30, 2003, and was published on April 8, 2004. Thus, Park has a § 102(e) date based upon the filing date of the United States application: September 30, 2003. See MPEP 706.02 and 706.02(b). The pending Application properly claims priority to and the benefit of Korean Application No. 2003-0049075, and Korean Application No. 2003-0049076, both filed on July 18, 2003. Because Park was filed after the claimed priority date for this Application, Park is not a proper reference upon which a § 102(e) rejection may be based.

Further, in accordance with 37 CFR § 1.55(a)(1), Applicants have timely claimed priority to these foreign applications by filing a CLAIM FOR PRIORITY UNDER 35 U.S.C. § 119 IN UTILITY APPLICATION on April 14, 2004, the date of the original filing of the present application. 37 CFR § 1.55(a)(1) recites:

In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. (emphasis added)

This requirement to timely claim priority to a foreign application is separate from the requirement to timely perfect a claim by filing a certified copy of the foreign application within the deadline established in 37 CFR § 1.55(a)(2). 37 CFR § 1.55(a)(2) recites:

The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. (emphasis added)

Thus, the deadline for filing a certified copy of the foreign application is different from the deadline for claiming priority. See, e.g., MPEP § 201.14 ("The Director has by rule, 37 CFR 1.55(a)(2), required a certified copy of the foreign application to be submitted before the patent is granted"). Accordingly, for the purposes of disqualifying Park as a valid reference for the purpose of the present 35 U.S.C. § 102(e) rejection, Applicants hereby timely submit certified English translations of the foreign application priority documents.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-4 and 11-12. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1, 3 and 11, and all the claims that depend therefrom are allowable.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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